IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 16365 of 2004

Between:

Sirra Court Ameen S/o.China Ramaswamy
Jr.College, Palakol W.G.District.

..... PETITIONER

AND

1 The Commissioner-Director of Intermediate Education
Nampally, Hyderabad.
2 The Regional Joint Director of Intermedidate Education Rajahmundry
3 The Chairman and Correspondent K.V.M. Chambers Jr.College
Lajapathiraoyapet, Palakol.
4 The Principal K.V.M. Chambers Jr.College
Lajapathirayapet, Palakol.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders or direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not regularising the service of the petitioner as per the orders passed in W.P.No.15933/91 dt.9.2.1996 as illegal and arbitrary and consequentially direct the respondents to regularise the service of the petitioner with all consequential benefits including seniority, backwages, and other benefits as per the orders issued in W.P. No.15933/91 dt.9.2.96 forthwith.

Counsel for the Petitioner:SMT.K.SHYAMALATHA REDDY

Counsel for the Respondent Nos. 1&2.: GP FOR HIGHER EDUCATION

Counsel for the Respondent No:4: M.L.ALI

The Court at the admission stage, made the following :

ORDER:

This writ petition is filed to declare the action of the respondents in not regularising the services of the petitioner in the post of Sweeper-cum-Scanvenger as per the orders passed in W.P.No.15933 of 1991 dated 9.2.1996 as illegal and arbitrary.

The petitioner herein filed W.P.No.15933 of 1991 for regularization of his services from the date of his appointment in the post of Sweeper-cum-Scavenger, wherein by order dated 9.2.1996, this Court gave a categorical finding to the effect that the ***"petitioner shall be paid the regular scales of pay of Sweeper-cum-Scavenger from 1.1.1992 with all consequential benefits". "*** Under those circumstances, I am inclined to hold that the petitioner is entitled for regularization of the services from the date of his appointment i.e. from 14.4.1984 in the post of Sweeper-cum-Scavenger". The relief claimed in the above writ petition is for regularization of his services and that relief has been granted by this Court. For the same relief, the present writ petition has been filed.

The petitioner cannot be permitted to file successive writ petitions as the principles of resjudicata would equally applies to the writ proceedings. Therefore, the relief which was already granted to the writ petitioner, cannot be granted again in this writ petition.

Under these circumstances, the writ petition is devoid of merit and the same is dismissed at the stage of admission. No costs.

The remedies, if any including contempt, are left open to the writ petitioner under law.

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08.12.2004

bsv

To

1 The Commissioner-Director of Intermediate Education
Nampally, Hyderabad.
2 The Regional Joint Director of Intermediate Education Rajahmundry
3 The Chairman and Correspondent K.V.M. Chambers Jr.College
Lajapathirayapet, Palakol.
4 The Principal K.V.M. Chambers Jr.College
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5. 2 CCs to the Government Pleader for Education, High Court Buildings,

Hyderabad (OUT)

6. 2 CD copies